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Attorney for **VINCENT JIMINEZ**

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE BARRY TED MOSKOWITZ)

UNITED STATES OF AMERICA,	)	Criminal No. 07CR2999-BTM
	)	
Plaintiff,	)	
	)	
v.	)	**DEFENSE COUNSEL'S DECLARATION**
	)	**IN SUPPORT OF**
VINCENT JIMINEZ,	)	**JOINT MOTION TO CONTINUE**
	)	**BOND EXONERATION HEARING AND**
	)	**DEFENDANT'S SELF-SURRENDER DATE**
Defendant.	)	
	)	
____	)	

I, Michael C. Harkness, declare as follows:

1. I am an attorney duly licensed to practice law before this court.

2. I have personal knowledge of the facts set forth in this Declaration and could and would competently testify thereto if called as a witness.

3. I am Defendant's attorney of record.

4. Defendant has a girlfriend/"common law wife," Maria Vallejo, who is suffering from Gasteoperisis, a rare medical condition that inhibits digestion (as discussed at greater length in Defendant's Sentencing Memorandum).

5. On August 4, 2008, Ms. Vallejo was admitted to a hospital after a severe recurrence of this disease, requiring intravenous feeding (please see attached "Statement of Incapacity" via he physician).

6. It is expected that Ms. Vallejo will remain hospitalized until at least September 30, 2008 (please see attached "Statement of Incapacity" via he physician).

7. During Ms. Vallejo's hospitalization, Defendant Jiminez is the sole caretaker of the couple's three year old son, as well as her other two children from a previous relationship (ages 9 and 10).

8. I am informed and believe that Ms. Vallejo will require additional assistance from Defendant Jiminez upon her release from the hospital, vis-a-vis both herself and the children.

9. I informed AUSA Randy Jones of this situation, and both he and I agree that a continuance of Defendant Jiminez's BOP report date (to serve a six month sentence), as well as the associated Bond Exoneration hearing, until January 16, 2009, is appropriate under the circumstances and will most certainly obviate the need to make another request for a continuance in the future.

10. Defendant Jiminez, meanwhile, has been maintaining contact with Pre-Trial Services and has been complying with their directions. (Mr. Jiminez informed me that he spoke to PTS today and was told to inform PTS if his report date is continued and, if so, to report to PTS next week.)

Executed this 16th day of September, 2008, at San Diego, California.

by: ________________________________

Michael C. Harkness
Declarant and Attorney for Defendant
VINCENT JIMINEZ